

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on February 10, 2003, and the references cited therewith. This amendment amends pending claims 23, 33, 38, and 49, and adds new claims 56-67; as a result, claims 23-67 remain pending in the Application.

Claims 51, 52, 54 and 55 were rejected as indefinite under 35 USC § 112, second paragraph. Claim 49 is amended to provide proper antecedent basis for the term “computer” in the rejected claims.

Claims 23-30, 33-36, 38-44, 47-51, 53 and 54 were rejected under 35 USC § 102(e) as being anticipated by Beyda et al. (U.S. 6,404,873). Claims 31, 32, 37, 45 and 46 were rejected under 35 USC § 103(a) as being unpatentable over Beyda et al. in view of Klug (U.S. 5,799,320). Claims 52 and 55 were also rejected under 35 USC § 103(a) as being unpatentable over Beyda et al. in view of Lucas et al. (U.S. 5,528,739).

The present invention is capable of connecting a number of devices in a local area network to provide functions in addition to merely transferring unmodified voice data from one telephone to another. Examples described on pages 7-8 typify the added capabilities that arise from specifying source and sink nodes in a number of devices in a manner that the cited reference to Beyla does not teach or suggest.

Amended independent claim 23 recites that setting the second device(s) to the sink nodes is accomplished “independently of setting the first device(s) to the source modes.” Beyla has no concept of independent source and sink nodes. For example, the telephony terminals 14-24 can only be accessed to both send and receive voice data; col. 17-21 None of the devices in the local area network of Fig. 1 has a source mode, in which the device “provide(s) the voice data” to another device, that is separate from that device’s sink mode, in which it “receive(s)” the voice data” from another device, as laid out in Table I, page 5 of the Specification. Beyla’s devices are all ineluctably bidirectional.

Dependent claims 24-32 incorporate all the features of parent claim 23., and add other distinguishing features as well. For example, claims 24-26 and 27-29 associate the independently settable source and sink modes respectively with different devices. Claim 30 sets different source and sink modes for the same device; Beyla, having no notion of source and sink nodes as

separate from each other, cannot respond to this recitation. Claim and 32 introduce mode locking and semaphore control. The Klug patent cannot supply any of the deficiencies of the primary Beyda patent as to independently settable source and sink mode, and therefore even an improper combination of these references under 35 USC 103 cannot suggest the clear terms of claims 31 and 32.

Claims 33-37 incorporate all of the method recitations of claim 23, and distinguish Beyda and Klug for the same reasons.

Independent system claim 38 declares that the streaming controller selects the source and sink modes “independently of each other” to connect the devices to provide and receive the voice data. Again, Beyda has no inkling of separate or independent source and sink nodes, and cannot connect devices only to source voice data or only to sink that data.

Dependent claims 39-55 embrace all the recitations of claim 38. Claims 39-44 bring out this separateness, of separating the source from the sink. Claims 45 and 46 were rejected as unpatentable over Beyda in view of Klug. Again, however, Klug suggests none of the deficiencies of the primary reference; whatever Klug might or might not have to say about mode locking or semaphores is thus irrelevant to these claims.

Claims 49-55 include another feature not found in Beyda. The present system permits more than mere transfer of voice signals from one audio terminal to another. Although Beyda may employ “a computing device having telephony capabilities” (col. 2 line 29), it still only corresponds to a telephone; the Specification notes on page 4 line 3 that telephone 112 may “comprise an Ethernet or IP phone.” Thus the term “computer” in claim 49 must be interpreted as different from a “telephone,” which is another element of the same claim. Likewise, Applicant’s “gateway” is shown and described as an interface to a network external to the LAN; e.g., Fig. 1, page 7 line 28, page 8 line 1. Beyda appears to use the word “gateway” at col. 5 line 33 only to refer to what he otherwise calls a “gatekeeper” 10, Figs. 3-5. This gatekeeper only routes voice data within the LAN; there seems to be no suggestion within the reference that it might have any ability to send and/or receive voice data from any network external to the LAN within which the conference calls occur.

New independent claim 56 expands upon the concept that Applicant’s system offers functionality other than mere voice transfer from one telephone to another, mediated by source

and sink modes. Claim 56 comprehends this feature in that at least one of the devices in the local area network is a computer “adapted to perform a function upon the voice data. Page 4 lines 9-14 describe computer 110 as processing or operating on voice signals, and names specific functions as examples of such processing. Once more, Beyda’s system merely transfers voice signals from one place to another.

Dependent claims 57-62 introduce other distinguishing aspects. For example, claims 57 and 58 name several particular functions that are not suggested in Beyda. Claims 60-62 specify the computer---which, according to claim 56 performs a function upon the voice data---as producing the voice data, receiving voice data for the function, or both. These are shown in Table I of the Application as modes 2, 5, 6, 8, 9, 10, and 12.; page 5 lines 8-9 asserts that the same device can be both a source and a sink. Beyda has no facility at all for producing voice data, nor does he have a computer that receives it for performing a function.

New independent claim 63 names another type of functionality not found in Beyda, and mediated by Applicant’s new source and sink modes.. In claim 63, one of the devices in the LAN is a “gateway adapted to communicate to and from an external network,” that is, a network external to the LAN within which Beyda conducts all of his conference calls. Applicant does not find within Beyda any suggestion of transferring voice outside the LAN shown in his Figs. 1-5. As discussed in connection with claim 49 above, Beyda’s one use of the term “gateway” is a misnomer. Claim 63 not only performs such a function, but the gateway that performs it has source and/or sink nodes to control such transfer. Page 3 lines 14-18 of the Specification describe this aspect.

Dependent claims 64-67 amplify upon this feature of the invention, by naming several exemplary types of external networks for connection to the LAN of parent claim 63 via source and/or sink modes.

Conclusion

Applicant urges that the claims are in condition for allowance, and respectfully requests notification to that effect. The Examiner is invited to telephone Applicant’s attorney 612-373-6971 to facilitate prosecution of the Application.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 09/470292

Filing Date: December 22, 1999

Title: CONTROL OF STREAMING OF SIGNALS IN A LOCAL AREA NETWORK

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Dkt: 884.181US1

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